

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

<p>SAMUEL LEEK SALPATORIA, Plaintiff, vs. CHAD WINKEL, OFFICER; JOSEPH LARSON, OFFICER; CATHERINE ANNE WOOD, TEE ARCHAMBEAU, JOSHUA FELOY, ANGELA STIENCKE, STEPHANIE HARMINTON, JOSHUA KELIMEK, KIM IPPOICOTTA, REBECCA SCHIELFFER, ROBERT KEVIN, LT. MARY, LT. MIKE, OFFICER GOURG, Defendants.</p>	<p>4:21-CV-04037-LLP ORDER REQUIRING PLAINTIFF TO FILE A CERTIFIED PRISONER TRUST ACCOUNT REPORT OR PAY THE FULL FILING FEE</p>
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Plaintiff, Samuel Leek Salpatoria, filed a pro se civil rights lawsuit under 42 U.S.C. § 1983. Doc. 1. This case was originally filed in the United States District Court District of Minnesota but was later transferred to this Court. At the time of filing this action, Salpatoria was an inmate at the Freeborn County Adult Detention Center in Albert Lea, Minnesota, but his allegations are against individuals employed at the Mike Durfee State Prison in Springfield, South Dakota. Doc. 1 at 3-4. Salpatoria moves for leave to proceed in forma pauperis but did not file “*a certified copy of the trust fund account statement (or institutional equivalent)* for the prisoner for the 6-month period immediately preceding the filing of the complaint” as is required. 28 U.S.C. § 1915 (emphasis added); Doc. 2.

In order for the Court to determine whether Salpatoria’s motion for leave to proceed in forma pauperis should be granted or denied, the Court must have a copy of a certified prisoner trust account

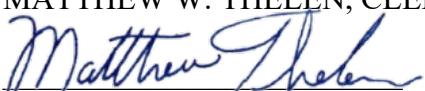
report. *See In re Prison Litig. Reform Act*, 105 F.3d 1131, 1132 (6th Cir. 1997) (“If an inmate not paying the full filing fee fails to provide an affidavit of indigency or trust account statement, the district court shall notify the prisoner of the deficiency and the prisoner shall have thirty (30) days from the date of the deficiency order to correct the error or pay the full filing fee. If the prisoner does not comply with the district court’s directions, the . . . district court must then order the case dismissed for want of prosecution.”); *see also Perry v. Boston Sci. Family*, 2012 WL 694713, at *2 (D. Minn. Feb. 9, 2012), *report and recommendation adopted*, 2012 WL 694700, at *1 (D. Minn. Mar. 1, 2012) (collecting cases holding dismissal appropriate when pro se litigant fails to comply with pauper requirements and court orders). Salpatoria must file a certified prisoner trust account report by **May 10, 2021**. Failure to comply with this Court’s order will result in dismissal without prejudice of Salpatoria’s complaint.

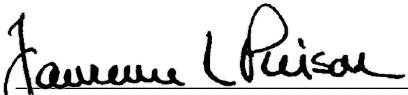
Accordingly, it is ORDERED:

1. That the Clerk of Court mail this order and a blank copy of a prisoner trust account report to Salpatoria.
2. That Salpatoria must return a certified prisoner trust account report and return it by **May 10, 2021**. Failure to file the prisoner trust account report by **May 10, 2021**, will result in dismissal without prejudice of the complaint. In the alternative, if Salpatoria does not file a certified prison trust account report as ordered, then he must pay the full filing fee of \$402.00 by **May 10, 2021**.

DATED April 13, 2021.

BY THE COURT:

ATTEST
MATTHEW W. THELEN, CLERK




Lawrence L. Piersol
United States District Judge